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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/801,854      | 03/09/2001  | Conrad G. Persels    | 18526.00            | 6306             |

37833 7590 09/30/2005

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EXAMINER

JEAN, FRANTZ B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/801,854

Applicant(s)

PERSELS ET AL.

Examiner

Frantz B. Jean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/09/01.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

This is a first office action in response to an application for patent filed on 03/09/2000.

This application claims benefit of a provisional application with serial number 60/187,986 filed on 03/09/2000. Claims 1-18 are pending in this application.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 03/09/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Perkowski US publication number 2003/0139975 A1.

As per claim 1, Perkowski teaches an integrated on-line system with an enhanced data transfer protocol for transferring data on a TCP/IP network see fig 2.1-2.2; paragraph 0096), comprising at least one computer configured as a data transfer server connected to the network, the data transfer server having: (a) a web server means for providing a plurality of clients with a browser-based interface with said data

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transfer server (paragraph 0096); (b) a relational database (par 0038), said web server communicating with the database for retrieving and recording information, said database having means for establishing and maintaining an electronic mailbox for a plurality of clients; and (c) a data transfer protocol means for providing a socket to socket connection with a client for the transfer of data according to an enhanced data transfer protocol (fig 2.1-2.2; par 0096), said protocol means having: (i) means for receiving data from a first client and a request to forward the data to a second client (fig 2.1-2A; par 0096; (ii) means for immediately transferring the data to the second client when the second client is connected to said data transfer server by a socket when the data is received by said data transfer server (par 0096; and 0176) (iii) means for storing the data in an electronic mailbox when the second client is not connected to said data transfer server when the data is received by said data transfer server (inherent in Perkowski to avoid data loss; see fig 2.1-2A; par 0176 and 0096); and (iv) means for recording the receipt and transfer of data in said relational database (par 0176, page 15).

As per claim 2, Perkowski teaches integrated on-line system according to claim 1, further comprising means for registering a plurality of trading partners as clients permitted to use the system for transferring data (par 0175).

As per claim 3, Perkowski teaches integrated on-line system according to claim 1, wherein said data transfer protocol means further comprises means for notifying the first

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client when the data transfer server receives the data sent by the first client (see par 0581).

As per claim 4, Perkowski teaches integrated on-line system according to claim 1, further comprising means for permitting a client to determine the status of a data transfer recorded in said relational database through said web server means (par 0261; par 0577-0578).

As per claim 5, Perkowski teaches an integrated on-line system according to claim 1, wherein said data transfer protocol means further comprises: (a) means for permitting a client to connect to said data transfer protocol means for a send session, wherein the client transfers data to the server for transfer to a second client and the session ends; (b) means for permitting a client to connect to said data transfer protocol means for a receive session, wherein the client receives data from the server sent by a second client and the session ends; and (c) means for permitting a client to connect to said data transfer protocol means for an end-to-end session, wherein the client transfers data to the server for transfer to a second client and said data transfer server keeps the session open for an immediate response from the second client (see par 0216).

As per claim 6, Perkowski teaches integrated on-line system according to claim 1, wherein said data transfer protocol means further comprises means for validating a header sent by a client against information recorded in said relational database, the

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header including identification of a client's electronic mailbox, and means for terminating a socket connection before receiving a data transfer upon failure of the validation (par 0293 and 0591).

As per claim 7, Perkowski teaches an integrated on-line system according to claim 1, further comprising: (a) a plurality of client computers (13, fig 2B1) connected to the network; and (b) client software means (13) residing on said client computers for communicating with said data transfer server according to said enhanced data transfer protocol, said client software means including means for establishing a socket to socket connection with said data transfer server for the transfer of data according to an enhanced data transfer protocol, said client software means further including means for sending a header to said data transfer server, the header encoding a type of session requested, an identification of the client's electronic mailbox, and an optional identification of a recipient client's electronic mailbox (see fig 2B1 and 2B2).

As per claim 8, an integrated on-line system according to claim 7, wherein said client software means is platform independent for integration into any application residing on said client computer is inherent in Perkowski's Java virtual machine which is platform independent (see par 0064 and 0582).

As per claim 9, Perkowski teaches an integrated on-line system according to claim 1, further comprising encryption means for encrypting data sent to and from said data

transfer server (see par 0205 and 0317).

As per claim 10, Perkowski teaches an integrated on-line system according to claim 1, further comprising: (a) data encryption means for encrypting data based upon a data key (see par 0205 and 0317); and (b) header encryption means for encrypting header data based upon a header key, the header data including the data key (see par 0205, 0293 and 0317).

As per claim 11, Perkowski teaches an integrated on-line system according to claim 10, further comprising means for changing the header key from session to session, including means for initializing and re-initializing the header key (see 0293, 0205, 0591, and 0317).

As per claims 12, 17, and 18, Perkowski teaches a computerized method for enhanced data transfer between a plurality of clients through a data transfer server in a TCP/IP network (par 0096), comprising the steps of: (a) providing the server with a web server and a relational database (par 0038); (b) registering a plurality of trading partners as clients through said web server, including establishing an electronic mailbox, assigning a unique mailbox ID, and a password for each client and recording the mailbox ID and password in said relational database (par 0175); (c) listening for a client on a port dedicated to providing enhanced data transfer service(fig 2.1-2.2); (d) receiving a header from a client, the header containing at least the client's mailbox ID and password

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and a session request (0293 and 0591); (e) validating the mailbox ID and password against said relational database (par 0038 and 0099); (f) creating a socket to socket connection with the client upon validating the mailbox ID and password (0096 and 0176); (g) when the session request is for receiving at least one data transfer, transferring the data to the client and recording the transfer in said relational database (0216); (h) when the session request is for sending at least one data transfer, receiving a data transfer including a header, the header having a receiving client's mailbox ID (fig 2.1-2.2; par 0293, 0591 and 0216); (i) sending the client an acknowledgement that the server has received the data transfer (0577); (k) determining whether the receiving client is currently connected to the server, and if so, notifying the receiving client of a pending data transfer and transferring the data to the receiving client immediately and before disconnecting with the receiving client (0581); (l) saving the data transfer in the receiving client's mailbox when the receiving client is not currently connected to the server (abstract; 0176, 0096); (m) recording the server's receipt of the data transfer, the server's transfer of data to a receiving client, and the server's mailbox storing of a data transfer in said relational database (abstract); and (n) terminating the socket to socket connection with the client.

As per claim 13, Perkowski teaches a method according to claim 12, further comprising the step of permitting a client to query said relational database through said web server concerning status of data transfers to and from the client (par 0261 and 0577).



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As per claim 14, Perkowski teaches a method according to claim 12, further comprising the steps of notifying the receiving client that a response is requested, keeping the socket to socket connection open pending a response, and transferring a response to the client when an end-to-end session is requested (0581).

15. The method according to claim 12, further comprising the steps of: (a) prior to step (d), negotiating a header encryption key between client and server; (b) before step (e), decrypting the header using the header encryption key, the header further comprising an encrypted portion having a second header encryption key for use in a client's next session, and when the session request is for a sending session, an encrypted data key for transfer to a receiving client (0205 and 0317).

16. The method according to claim 15, further comprising the step of transmitting an encrypted header containing the data key for decrypting the data transfer prior to transferring the data in step (g) (0205 and 0317).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean



**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**